

REMARKS

By this Amendment, claims 21-34 are pending. Claims 1-20 are canceled without prejudice or disclaimer of the subject matter contained therein. New claims 21-34 are added. No new matter is added.

The Office Action objects to the drawings because they fail to show items 413 and 492 as described in the specification. By this Amendment, the specification has been amended to obviate this objection. Accordingly, Applicant respectfully requests that this objection be withdrawn.

The Office Action objects to claims 1-20 as containing informalities. This objection is moot as it relates to canceled claims 1-20. However, new claims 21-34 have been drafted not to include these minor informalities. Accordingly, Applicant respectfully requests that the rejection as it pertains to new claims 21-34 be withdrawn.

The Office Action rejects claims 1-4, 6-14 and 16-20 under 35 U.S.C. §102(b) as being anticipated by Tsai (U.S. Patent Publication No. 2002/0038075) and as evidenced by Cornsweet (U.S. Patent No. 6,296,358), and rejects claims 5 and 15 under 35 U.S.C. §103(a) as being unpatentable over Tsai as evidenced by Cornsweet, in view of Oharek (U.S. Patent No. 4,208,107). Applicant respectfully traverses these rejections.

In particular, Applicant asserts that Tsai as evidenced by Cornsweet fails to disclose or suggest a method for forming an image of an eye including at least the steps of emitting optical radiation only at a first portion of the pupil along an optical axis of an exit aperture, and forming an image of a second portion of the pupil at which no optical radiation is directed, by receiving optical radiation from the eye via an entrance aperture, wherein the entrance aperture and exit aperture have different optical axes, as recited in independent claim 21, and similarly recited in independent claim 28.

In contrast, Tsai merely discloses a medical instrument 10 as shown in Fig. 2, where the light outlet 48 includes a terminal portion of the light pipe 46 splayed about the outer periphery of lens housing 32, with light emission axes 37 that are substantially parallel to and coaxially distributed about examination axis 36. See, for example, paragraph [0025] and Figs. 2 and 6A-6D. Tsai does not disclose or suggest emitting radiation from the light pipe outlet 48 that is directed to a first part of an eye, while the image capture device 16 captures images of a second part of the eye. As described in the Background Section of the Applicants disclosure, optical radiation emitted onto an observed portion of the eye reflects back to an observer and can cause interference with measurements. See, for example, paragraph [0004] of present specification. By virtue of Tsai's ophthalmoscope design, it is clear that a user would illuminate the portion of the eye that is to be observed.

Additionally, Applicant respectfully asserts that neither Cornsweet nor Oharek make up for the above-noted deficiencies of Tsai.

In particular, Cornsweet merely discloses using an ophthalmoscope to examine the fundus by shining a light to illuminate the fundus. See col. 1, lines 27-33. Thus, Cornsweet also discloses viewing the same portion of the pupil that is illuminated.

Additionally, Oharek discloses an eye examination system that emits and receives light via the same output and input aperture. In other words, the light that is directed to the portion of the eye along an optical axis is also received along the same optical axis. Due to the common entrance and exit aperture, it is not possible for Oharek to direct optical radiation only at a first portion of the pupil and form an image of a second portion of the pupil at which no optical radiation is directed.

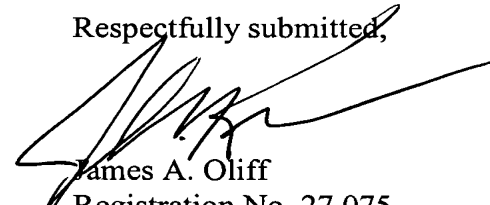
Accordingly, Applicant respectfully asserts that neither Tsai, Cornsweet or Oharek, either alone or in combination, disclose or suggest forming an image of an eye including at least the steps of emitting optical radiation only at a first portion of the pupil along the optical

axis of the exit aperture, and forming an image of a second portion of the pupil at which no optical radiation is directed, by receiving optical radiation from the eye via an entrance aperture, wherein the entrance aperture and exit aperture have different optical axes, as recited in independent claim 21, and similarly recited in independent claim 28.

In view of the above, Applicant respectfully submit that independent claims 21 and 28 are directed to allowable subject matter. By virtue of their dependency on independent claims 21 and 28, dependent claims 22-27 and 29-34 also define allowable subject matter. Accordingly, Applicant respectfully submit that the objections and rejections under 35 U.S.C. §102 and §103 be withdrawn.

Should the Examiner believe that anything further is necessary to place this application in even better condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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JAO:DCT/tjx

Attachment:
Petition for Extension of Time

Date: May 29, 2007

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